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LETTER DATED 9 JUNE 1994 FROM THE PERMANENT REPRESENTATIVE OF SWEDEN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to enclose herewith a letter dated 9 June 1994 from the Chairman of the Conference on Security and Cooperation in Europe (CSCE) Minsk Conference and Minsk Group, Ambassador Jan Eliasson addressed to the President of the Security Council.

I would be grateful if you could arrange for the present letter and its enclosures to be circulated as a document of the Security Council.

(Signed) Peter OSVALD
Ambassador
Permanent Representative of Sweden
to the United Nations

Annex

Letter dated 9 June 1994 from the Chairman of the Conference on Security and Cooperation in Europe Minsk Conference and Minsk Group addressed to the President of the Security Council

Pursuant to paragraph 8 of Security Council resolution 884 (1993), I wish to report on the present efforts made by the Conference on Security and Cooperation in Europe (CSCE) Minsk Group to achieve a peaceful settlement of the conflict in and around Nagorny Karabakh. This is being done after consultations and in close coordination with the Chairman-in-Office of the CSCE Council, Mr. Antonio Martino.

Around 10 April 1994, a serious military escalation took place in the region, with reportedly heavy losses and material damage. According to several reports, Nagorny Karabakh forces have advanced in areas situated east and north of Nagorny Karabakh.

On 11 May, a cease-fire was agreed upon between the parties on the military level. This cease-fire, although fragile, has been in force since 12 May and is largely being respected. It is my assessment that the parties remain convinced that no military solution can be found to this conflict. They also foresee a central role for CSCE in the peace process.

An informal meeting of the CSCE Minsk Group was held at Prague on 14 and 15 April. The meeting was preceded by informal, bilateral discussions between myself as Chairman of the Minsk Group and the parties. Among the subjects discussed were conditions for and monitoring of a cease-fire; withdrawal, return of refugees and the removal of obstacles to communications; guarantees; humanitarian assistance; and confidence-building measures. A document on confidence-building measures was adopted and is enclosed with the present letter.

On behalf of the Nine of the Minsk Group, I made a statement in connection with the meeting, condemning attacks on the civilian population and targets as well as new military offensives. The CSCE Troika adopted a statement to the same effect at its meeting at Venice on 14 May.

A visit to the region by the Deputy Chairman of the Minsk Group, Ambassador Mathias Mossberg, took place from 25 April to 2 May. It resulted in the acceptance by the parties of elements for an agreement to consolidate the existing cease-fire mainly through an international monitoring component.

During the period from 12 to 16 May, I and the Special Envoy of the President of the Russian Federation, Ambassador Vladimir Kazimirov made a joint visit to the region. During this visit, a draft agreement to consolidate the cease-fire was elaborated and accepted in principle by the parties. The draft agreement foresees deployment by monitors from CSCE, including the Russian Federation and/or the Commonwealth of Independent States. It also envisages that negotiations about the cessation of the armed conflict and the elimination

of its consequences are expected to be concluded approximately two weeks after signature. The relevant substantive issues involved were also discussed during the visit.

Several rounds of consultations have taken place since the joint visit in order to further integrate CSCE and Russian mediation efforts. These efforts now focus on the elaboration of a common concept for the monitoring of a cease-fire. They also concern questions relating to the application of CSCE principles of peace-keeping laid down in the Helsinki Document of 1992, in the event of a joint monitoring of a withdrawal as well as the provision of appropriate security guarantees. Talks for this purpose are now to take place in Moscow and will shortly thereafter be followed by another visit to the region. The purpose of this visit is to finalize the agreement to consolidate the cease-fire but also to lay the basis for a solution of other outstanding issues. It is important that the irreversibility of the peace process is being assured, in the event that a first step is agreed upon.

The preparedness of CSCE to deploy monitors of a possible cease-fire has increased substantially after a series of discussions in Vienna during April and May.

Recent military activities have resulted in an increased number of refugees and displaced persons in the area. Reports indicate that between 30,000 and 50,000 new refugees and displaced persons have been added to the already existing number, estimated at more than 1 million. Humanitarian needs in the region therefore remain considerable. I very much hope that responses to the United Nations Consolidated Inter-Agency Appeal for the Caucasus, launched at the end of April, will be positive and generous.

We now find ourselves at a critical phase in the peacemaking efforts. It is urgent and necessary that all those concerned unite to take concrete steps to achieve a solution to this tragic conflict. It is particularly important that all sides refrain from taking action that can lead to further military escalation. During our recent visit, it was repeatedly stated by the leadership in the area that there now exists a historic opportunity which must not be missed. This task, they said, is a joint responsibility.

I shall continue to inform the Security Council and the Secretary-General of the further work of the Minsk Group.

(Signed) Jan ELIASSON
Ambassador
Chairman of the CSCE Minsk Conference
and of the CSCE Minsk Group

Enclosure

Confidence-building measures for possible application in the conflict in and around Nagorny Karabakh (revised)

General

The list is indicative and non-exclusive. Suggested confidence-building measures in several cases overlap or include each other.

The most urgent measures and those which could contribute to reaching an early case-fire should be implemented first. The implementation of agreed confidence-building measures will constitute an integral part of a dynamic positive process.

Attention should be given to the follow-up of agreed confidence-building measures in order to clarify ambiguous situations, build confidence, reduce mistrust and avoid misperceptions.

A. Humanitarian law

The parties have undertaken to respect the provisions of international humanitarian law. Their adoption of the humanitarian measures listed below in no way detracts from this commitment.

1. Obligations not to undertake offensive action against civilians and, in the conduct of military operations, such as air raids or heavy shelling, to take constant care to spare the civilian population and civilian objects, to be respected.

2. No use will be made of:

   - Ammunition or bombs with flechettes and/or sub-ammunition components;
   - Low-precision rocket-weapons;
   - Cluster bombs;
   - Anti-personnel land-mines.

3. Commitments of respect for natural resources and historical or religious monuments in and out of combat areas.

4. Undertakings not to permit looting to be respected.

5. Unconditional and immediate release of all civilians kept as hostages. Commitment to put an end to the practice of hostage taking.

6. Exchange of information through the International Committee of the Red Cross (ICRC) and in conformity with standard ICRC criteria, on all captured combatants, civilians detained in relation with the conflict, hostages, as well as on the dead and on the location of graves.

Family members of such persons are given access to this information.

7. Regular access for ICRC and, possibly, other international organizations, to all captured combatants, civilians detained in relation with the conflict and hostages, whether in camps, private homes or elsewhere.

8. Repatriation or return of bodies of civilian and military victims should take place immediately and unconditionally. (In order to facilitate the identification of the dead, all combatants should wear an identity disc).

9. Establishment of a mechanism for the exchange of captured combatants, through the intermediary of ICRC or other international organizations.

10. Conclusion of temporary and local cease-fire agreements if necessary under the auspices of ICRC or other international organizations, to allow for the retrieval of dead and wounded.

11. Parties should prepare mine maps and ascertain that clearing their own minefields is possible.

12. After the cessation of hostilities, exchange of information on minefields and areas with mines or other harmful objects or arrangements should take place. Such information will then also be handed over to CSCE and monitors.

13. Support of efforts to identify and prepare a system of prosecution, with due process of law, against persons suspected of violations of humanitarian law.

B. Assistance and protection of humanitarian agents and operations

1. Unimpeded movement of all humanitarian aid by air, land or sea to and from the region of conflict and neighbouring countries, including undertakings to allow the use of transport facilities for such movement.

2. Public statements ensuring that the work of CSCE, the United Nations humanitarian organizations, accredited diplomats, designated monitors, observers, rapporteurs, peace-keeping forces, non-governmental organizations for humanitarian assistance and media representatives will be facilitated, and that these will be afforded all possible protection.

The Red Cross and Red Crescent emblems will be respected.

3. Supply of natural gas and electricity by Azerbaijan to Nakhichevan through Armenia.

4. Use by Azerbaijan of Armenia's auto roads for the transport of humanitarian aid to Nakhichevan.

C. Transparency

1. Agreement to avoid public statements which could escalate the conflict.

2. Establishment of direct lines of communication between the parties and/or their operational headquarters, including at field command levels.

3. Establishment, under the supervision of the Joint Coordination Commission, of possibly multinational, liaison teams with direct communication capabilities, between local operational headquarters.

4. Provision of relevant data to the Chairman of the Minsk Group, including:

   - Numbers of militarily significant formations and units and their locations;

   - Relevant weapon and equipment systems and personnel strengths;

   - Detailed information on command structure, broken down to the lowest possible sensible level.

5. Parties support and recognize that a CSCE mission may openly inform about events in their area of action.

6. Parties should initiate discussions under the auspices of the Chairman of the Joint Coordination Commission, after arrival of a CSCE mission to the area.